

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Fred Landram et al.

Serial No: 10/688,316

Filing Date: October 17, 2003

Title: SELF CONFIGURING MOBILE DEVICE AND SYSTEM

Examiner: Djenane M. Bayard

Art Unit: 2141

Docket No. TELNP0200US

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION AND FEE FOR REVIVAL OF ABANDONED APPLICATION

Remarks

As discussed in more detail below, the undersigned never received the Office Action mailed on July 18, 2006. Consequently, the entire delay in filing the required reply to the Office Action was unavoidable.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

 small entity - fee \$250.00 (if unavoidable) (37 CFR 1.17(l)); \$750.00 (if unintentional) (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

X other than small entity - fee \$500.00 (if unavoidable) (37 CFR 1.17(l)); \$1500.00 (if unintentional) (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of an amendment

 has been filed previously on _____.

X is enclosed herewith.

B. The issue fee of \$ ____
____ has been paid previously on _____.
____ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

X Since this is a utility/plant patent application filed on or after June 8, 1995, no terminal disclaimer is required.

____ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ ____ for a small entity of \$ ____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

SHOWING THAT DELAY WAS UNAVOIDABLE

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable, as the undersigned never received the Office Action that issued on July 18, 2006. The facts associated with the unavoidable abandonment of the instant application are discussed below.

On March 26, 2007, the undersigned received a telephone call from the Examiner, Djenane M. Bayard, regarding the status of the present application. In particular, the Examiner indicated that a response to the Office Action of July 18, 2006 had not been received. Consequently the application was considered abandoned.

Subsequent to the above phone call, the undersigned reviewed the file jacket corresponding to the now abandoned application, and no record of an Office Action was

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found therein. Further, the undersigned checked with the firm's docketing department regarding the missing Office Action, but no record was found there as well.

Included herewith is copy of the docket record where the non-received Office Action would have been entered had it been received and docketed.

In view of the above, a timely response to the Office Action of July 18, 2006 could not have been filed as it had never been received by the undersigned. Thus, it is respectfully submitted that the entire delay in filing the required reply from the due date for the reply until the filing of the grantable petition was unavoidable.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Kenneth W. Fafrak/

Kenneth W. Fafrak
Reg. No. 50,689

DATE: May 24, 2007

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E:\TELNP0200US\TELNP0200US-Petition.wpd

I hereby certify that this paper (along with any paper or item referred to as being attached or enclosed) is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450; or
- facsimile transmitted to the Patent and Trademark Office (fax no. <>) on the date shown below; or
- submitted on the date shown below using the U.S. Patent Office's Electronic Filing System.

Date: May 24, 2007

/Kenneth W. Fafrak/
Kenneth W. Fafrak

ROBS# TELNP0200US

PRINTED ON: 5/24/2007

COUNTRY	US	UNITED STATES			TITLE				PRIOR	10/17/2003
NEW/CON	NEW	SERIAL#	10/688,316		SELF CONFIGURING MOBILE DEVICE AND SYSTEM				MAIL	10/17/2003
RELATED		PATENT#							FILE	10/17/2003
TYPE	UTL	STATUS	PENDING						PUBL	
CLIENT	TELN	TELXON CORPORATION			1	CREF			ISSUE	
AGENT						AREF			1ST	10/17/2003
									EXP	10/17/2023

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PC	N	POST CARD CHECK	10/17/2003	1M	11/17/2003		11/17/2003	0	10/27/2003	0M	Y	Y	Y
FS	N	FLG RCPT STATUS CHK	10/17/2003	3M	1/17/2004	11	2/17/2004	1	1/26/2004	0M	Y	Y	Y
6F	N	6 MO. FOREIGN	10/17/2003	6M	4/17/2004		4/17/2004	0	4/8/2004	1M	Y	Y	Y
FO	N	FOREIGN FILING DUE	10/17/2003	12M	10/17/2004		10/17/2004	0	9/29/2004	3M	Y	Y	Y
RE	N	RESPONSE TO OA	12/22/2005	3M	3/22/2006	31	6/22/2006	1	4/21/2006	1M	Y	Y	Y
	N	RE STATUS CHECK	4/21/2006	4M	8/21/2006	19	5/21/2007	1		0M	Y	Y	Y
MLD RESP 4/21/06, DLINE 4/22/06													

INVENTORS

FRED LANDRAM

USER-DEFINABLE FIELDS			PATENT FIELDS		
PRIOR			SMALL ENTITY		
APP			CLAIMS		
TYPE			PUBLICATION#		
			ART UNIT		
			EXAMINER		
			CONFIRM#		

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NOTES

- ROBS NOT RESPONSIBLE FOR ANNUITIES